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Stephen C. Glazier Kirkpatrick & Lockhart Preston Gates & Ellis LLP 1601 K Street, N.W. Washington, DC 20006-1600			EXAMINER BROADHEAD, BRIAN J	
			ART UNIT 3664	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,665

Applicant(s)

LOWREY ET AL.

Examiner

BRIAN J. BROADHEAD

Art Unit

3664

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 20-44, 48-50, 52-59, 63, 64 and 66-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 20-44, 48-50, 52-59, 63, 64 and 66-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6-12-07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-16, 20, 22, 25-34, 36-44, 48-49, 52-59, 63-64, 66-67, and 69-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Schick et al., 2002/0065698.

3. As per claims 1, 30, 31, and 52, Schick et al. disclose wirelessly receiving data by a computer system and from a vehicle, the data comprising numerical diagnostic data or location-based data associated with the vehicle in paragraph 24; processing the data with the computer system to generate diagnostic data or location information that is at least in part derived from the received data, wherein the generated information comprises at least one of vehicle status reports and vehicle service recommendations and wherein the derived information has a meaning distinct from the received data in paragraph 25; displaying the derived diagnostic or location information on at least one website, the website having a first interface dedicated to presenting information associated with the vehicle and a second web interface to present information associated with a group of vehicles, including the vehicle in paragraph 26; transmitting

an electronic communication including information associated with the derived diagnostic or location information in paragraph 29; wherein the received data contains one of more vehicle parameters and wherein the processing further includes processing at least one of the vehicle parameters with a database application in paragraph 24; wherein the processing further includes extracting at least one of the following parameters from the received data: numerical data, an alphanumeric text message, an active or pending diagnostic code, a VIN, and a GPS location in paragraph 24; the numerical diagnostic data associated with the vehicle comprises data generated by a sensor or the vehicle computer in paragraph 24; the numerical diagnostic data includes fuel level in paragraph 26; processing at least one numerical parameter from the numerical data with a mathematical formula in paragraph 25; the processing further comprises comparing at least one numerical parameter with at least one numerical parameter generated at an earlier point in time in paragraph 41; displaying at least one numerical parameter and at least one numerical parameter generated at an earlier point in time in paragraphs 41, 48, and 61; the first web interface is a customer interface and the second interface is for at least one organization selected from a group comprising a dealership, service entity, insurance entity, performance monitoring entity, and a survey entity in paragraph 26; and the vehicle is a truck in paragraph 26; Schick inherently discloses a login page through figure 10. In the upper right hand corner there is listed a user name and an option to logoff. If there is a logoff and login name there must be a login page otherwise the invention would not work. Schick et al. also discloses two

different logins that would result in a page for a single asset and a page for multiple assets including the single asset in paragraphs 22, 26, and 61.

4. As per claim 2, the limitations are recited above with respect to claim 1.
5. As per claims 3 and 32, the limitation is recited above with respect to claim 1.
6. As per claims 4, 33, and 53, the limitation is recited above with respect to claim 1.
7. As per claims 5, 34, and 54, Schick et al. disclose the communication describes an active or pending diagnostic trouble code in paragraph 24.
8. As per claims 7, 36, and 55, the limitation is recited above with respect to claim 1.
9. As per claims 8, 37, and 56, the limitation is recited above with respect to claim 1.
10. As per claims 9, 38, and 57, the limitation is recited above with respect to claim 1.
11. As per claims 10, 39, and 58, the limitation is recited above with respect to claim 1.
12. As per claims 11 and 40, the limitation is recited above with respect to claim 1.
13. As per claims 12 and 41, the limitation is recited above with respect to claim 1.
14. As per claim 13, Schick et al. disclose the displaying further comprises displaying at least one numerical parameter and at least one predetermined numerical value in Table 5 and in paragraph 70.

15. As per claims 14 and 42, Schick et al. disclose the at least one predetermined numerical value comprises a mileage value in table 5.

16. As per claims 15, 43, and 59, the limitation is recited above with respect to claim

1. The email, call, etc. in paragraph 29 is an alert.

17. As per claims 16 and 44, the limitation is recited above with respect to claim 1.

(See paragraph 29)

18. As per claims 20 and 48, Schick et al. disclose the vehicle is at a location remote from the computer system in figure 1.

19. As per claims 22 and 49, Schick et al. disclose the at least one website includes a login webpage comprising at least username and password input fields in paragraph 32, and in figure 10, the upper right corner. While the limitation isn't explicitly disclosed, the login screen is inherent based on needing to input a password and the use of user names shown in figure 10.

20. As per claim 25, Schick et al. disclose the limitations as cited above with respect to claim 1. The recitation of data packets are inherent in the disclosure of Schick et al. with the disclosure of the use of the Internet, which relies on packet based communication.

21. As per claim 26, the limitation is recited above with respect to claim 1.

22. As per claim 27, the limitation is recited above with respect to claim 1.

23. As per claim 28, the limitation is recited above with respect to claim 22.

24. As per claims 29, 79, 81, 83, and 85, Schick et al. disclose wirelessly receiving data by a computer system and from a vehicle, the data comprising numerical location-

based data associated with the vehicle in paragraph 24; processing the data with the computer system to generate location information that is at least in part derived from the received data, wherein the generated information comprises at least one of vehicle status reports and vehicle service recommendations and wherein the derived information has a meaning distinct from the received data in paragraphs 25, 32, and 46, a service location is determined from the location data; displaying the generated location information on at least one website, the website having a first interface dedicated to presenting information associated with the vehicle and a second web interface to present information associated with a group of vehicles, including the vehicle in paragraph 26; the first web interface is a customer interface and the second interface is for at least one organization selected from a group comprising a dealership, service entity, insurance entity, performance monitoring entity, and a survey entity in paragraph 26; and the vehicle is a truck in paragraph 26.

25. As per claims 63, 78, 80, 82, and 84, Schick et al. disclose a viewing device displaying a graphical user interface including a first interface displaying information associated with a set of vehicle viewable by at least one organization and a second interface displaying information associated with a vehicle among the set of vehicle in paragraphs 22, 23, and 26. Since the system uses the Internet, any single one of the devices (14,23,24) connected to the Internet could log on to any of the specific web pages. Schick et al. disclose wherein the information displayed by the first interface and the second interface is at least in part derived from data wirelessly received by a computer system from a vehicle, and wherein the information comprises at least one of

status reports and vehicle service recommendations, and wherein the information has a meaning distinct from the received data in paragraphs 24, 25, and 26; the second web interface is a customer interface and the first interface is for at least one organization selected from a group comprising a dealership, service entity, insurance entity, performance monitoring entity, and a survey entity in paragraph 26; and the vehicles are trucks in paragraph 26.

26. As per claim 64, Schick et al. disclose the at least one website includes a login webpage comprising at least username and password input fields in paragraph 32, and in figure 10, the upper right corner. While the limitation isn't explicitly disclosed, the login screen is inherent based on needing to input a password and the use of user names shown in figure 10.

27. As per claim 66, Schick et al. disclose the status information at least in part includes historical status information in paragraph 25.

28. As per claim 67, Schick et al. disclose the GUI is a web browser in paragraph 27. They are disclosing web pages; these are viewed with a web browser.

29. As per claim 69, Schick et al. disclose the viewing device is a computer in figure 1.

30. As per claims 70-77, Schick et al. disclose the vehicle status reports and the vehicle service recommendations comprise icons indicating the vehicle's diagnostic status in paragraph 28. Schick et al. discloses color-coding the icons on the location map according to operating parameters.

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. Claims 1-5, 7-16, 20, 22, 25-34, 36-44, 48-49, 52-59, 63-64, 66-67, and 69-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schick et al., 2002/0065698.

33. As per claims 1, 30, 31, and 52, Schick et al. disclose wirelessly receiving data by a computer system and from a vehicle, the data comprising numerical diagnostic data or location-based data associated with the vehicle in paragraph 24; processing the data with the computer system to generate diagnostic data or location information that is at least in part derived from the received data, wherein the generated information comprises at least one of vehicle status reports and vehicle service recommendations and wherein the derived information has a meaning distinct from the received data in paragraph 25; displaying the derived diagnostic or location information on at least one website, the website having a first interface dedicated to presenting information associated with the vehicle and a second web interface to present information associated with a group of vehicles, including the vehicle in paragraph 26; transmitting an electronic communication including information associated with the derived diagnostic or location information in paragraph 29; wherein the received data contains one of more vehicle parameters and wherein the processing further includes processing

at least one of the vehicle parameters with a database application in paragraph 24; wherein the processing further includes extracting at least one of the following parameters from the received data: numerical data, an alphanumeric text message, an active or pending diagnostic code, a VIN, and a GPS location in paragraph 24; the numerical diagnostic data associated with the vehicle comprises data generated by a sensor or the vehicle computer in paragraph 24; the numerical diagnostic data includes fuel level in paragraph 26; processing at least one numerical parameter from the numerical data with a mathematical formula in paragraph 25; the processing further comprises comparing at least one numerical parameter with at least one numerical parameter generated at an earlier point in time in paragraph 41; displaying at least one numerical parameter and at least one numerical parameter generated at an earlier point in time in paragraphs 41, 48, and 61; the first web interface is a customer interface and the second interface is for at least one organization selected from a group comprising a dealership, service entity, insurance entity, performance monitoring entity, and a survey entity in paragraph 26; and the vehicle is a truck in paragraph 26; Schick inherently discloses a login page through figure 10. In the upper right hand corner there is listed a user name and an option to logoff. If there is a logoff and login name there must be a login page otherwise the invention would not work. Schick et al. also discloses two different logins that would result in a page for a single asset and a page for multiple assets including the single asset in paragraphs 22, 26, and 61. Even if the argument is made that Schick et al. does not disclose two different logins that result in the first web interface and the second web interface it would have been obvious to one of

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ordinary skill in the art at the time the invention was made because such modification would provide access only to the information a specific authorized person needs.

Schick et al. discloses in paragraph 22 that there are different users that may include a transportation company that owns and operates many assets, the manufacturer that is responsible for many assets all the way down to a customer or single driver that is only responsible for a single asset. One of ordinary skill in the art at the time the invention was made would realize that different users to different amounts of data and provide access only to the necessary data for security and privacy reasons. One customer would not need to know about all of the manufacturers other vehicles, while a manufacturer would want information on all of its vehicles.

34. As per claim 2, the limitations are recited above with respect to claim 1.

35. As per claims 3 and 32, the limitation is recited above with respect to claim 1.

36. As per claims 4, 33, and 53, the limitation is recited above with respect to claim 1.

37. As per claims 5, 34, and 54, Schick et al. disclose the communication describes an active or pending diagnostic trouble code in paragraph 24.

38. As per claims 7, 36, and 55, the limitation is recited above with respect to claim 1.

39. As per claims 8, 37, and 56, the limitation is recited above with respect to claim 1.

40. As per claims 9, 38, and 57, the limitation is recited above with respect to claim 1.

41. As per claims 10, 39, and 58, the limitation is recited above with respect to claim 1.
42. As per claims 11 and 40, the limitation is recited above with respect to claim 1.
43. As per claims 12 and 41, the limitation is recited above with respect to claim 1.
44. As per claim 13, Schick et al. disclose the displaying further comprises displaying at least one numerical parameter and at least one predetermined numerical value in Table 5 and in paragraph 70.
45. As per claims 14 and 42, Schick et al. disclose the at least one predetermined numerical value comprises a mileage value in table 5.
46. As per claims 15, 43, and 59, the limitation is recited above with respect to claim 1. The email, call, etc. in paragraph 29 is an alert.
47. As per claims 16 and 44, the limitation is recited above with respect to claim 1.
(See paragraph 29)
48. As per claims 20 and 48, Schick et al. disclose the vehicle is at a location remote from the computer system in figure 1.
49. As per claims 22 and 49, Schick et al. disclose the at least one website includes a login webpage comprising at least username and password input fields in paragraph 32, and in figure 10, the upper right corner. While the limitation isn't explicitly disclosed, the login screen is inherent based on needing to input a password and the use of user names shown in figure 10.
50. As per claim 25, Schick et al. disclose the limitations as cited above with respect to claim 1. The recitation of data packets are inherent in the disclosure of Schick et al.

with the disclosure of the use of the Internet, which relies on packet based communication.

51. As per claim 26, the limitation is recited above with respect to claim 1.
52. As per claim 27, the limitation is recited above with respect to claim 1.
53. As per claim 28, the limitation is recited above with respect to claim 22.
54. As per claims 29, 79, 81, 83, and 85, Schick et al. disclose wirelessly receiving data by a computer system and from a vehicle, the data comprising numerical location-based data associated with the vehicle in paragraph 24; processing the data with the computer system to generate location information that is at least in part derived from the received data, wherein the generated information comprises at least one of vehicle status reports and vehicle service recommendations and wherein the derived information has a meaning distinct from the received data in paragraphs 25, 32, and 46, a service location is determined from the location data; displaying the generated location information on at least one website, the website having a first interface dedicated to presenting information associated with the vehicle and a second web interface to present information associated with a group of vehicles, including the vehicle in paragraph 26; the first web interface is a customer interface and the second interface is for at least one organization selected from a group comprising a dealership, service entity, insurance entity, performance monitoring entity, and a survey entity in paragraph 26; and the vehicle is a truck in paragraph 26.
55. As per claims 63, 78, 80, 82, and 84, Schick et al. disclose a viewing device displaying a graphical user interface including a first interface displaying information

associated with a set of vehicle viewable by at least one organization and a second interface displaying information associated with a vehicle among the set of vehicle in paragraphs 22, 23, and 26. Since the system uses the Internet, any single one of the devices (14,23,24) connected to the Internet could log on to any of the specific web pages. Schick et al. disclose wherein the information displayed by the first interface and the second interface is at least in part derived from data wirelessly received by a computer system from a vehicle, and wherein the information comprises at least one of status reports and vehicle service recommendations, and wherein the information has a meaning distinct from the received data in paragraphs 24, 25, and 26; the second web interface is a customer interface and the first interface is for at least one organization selected from a group comprising a dealership, service entity, insurance entity, performance monitoring entity, and a survey entity in paragraph 26; and the vehicles are trucks in paragraph 26.

56. As per claim 64, Schick et al. disclose the at least one website includes a login webpage comprising at least username and password input fields in paragraph 32, and in figure 10, the upper right corner. While the limitation isn't explicitly disclosed, the login screen is inherent based on needing to input a password and the use of user names shown in figure 10.

57. As per claim 66, Schick et al. disclose the status information at least in part includes historical status information in paragraph 25.

58. As per claim 67, Schick et al. disclose the GUI is a web browser in paragraph 27. They are disclosing web pages; these are viewed with a web browser.

59. As per claim 69, Schick et al. disclose the viewing device is a computer in figure 1.

60. As per claims 70-77, Schick et al. disclose the vehicle status reports and the vehicle service recommendations comprise icons indicating the vehicle's diagnostic status in paragraph 28. Schick et al. discloses color-coding the icons on the location map according to operating parameters.

61. As per claims 6, 21, 23, 35, and 50, Schick et al. disclose the limitations as set forth above. Schick et al. does not disclose the communication comprises a 5, 6, or 7, digit code that describes the active or pending diagnostic trouble code; the communication includes the vehicle's location; or updating software of the at least one website. Schick et al. does disclose onboard diagnostic in paragraph 35. Official notice is taken that is well known in the art to have 5 digit diagnostic codes on vehicles and to update software on websites. It would have been obvious to use 5 digit codes for the trouble codes of Schick et al. because such modification would enable the trucks to meet US Federal law. Federal OBD-2 regulation requires vehicles, including light trucks, to have certain diagnostic functions with associated 5 digit codes. By re-using this scheme in Schick et al. costs would be reduced by not having to have two different coding schemes. It would have been obvious to one of ordinary skill in the art to update the website software because such modification would allow the software to have bugs fixed, security flaws patched, and new features added. This is a standard industry practice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the vehicle's location in the communication because it is

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a design choice absent an unexpected result. Schick et al. already discloses including an URL in the message that takes them right to the web site with the location information in paragraph 31. Providing it in the email message instead of one click away is not novel or unobvious.

62. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schick et al., 2002/0065698, in view of Lin et al., 6400701.

63. Schick et al. disclose the limitations as set forth above. Schick et al. does not disclose the displayed graphical user interface is formatted using WAP. Lin et al. teach using WAP for viewing service information on a device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use WAP in the invention of Schick et al. because it is a design choice absent any unexpected result. WAP is a standard protocol and it would be more cost effective to use with the portable device (23) of Schick et al. than any specialized protocol.

Response to Amendment

64. The declarations filed on 10-5-07 under 37 CFR 1.131 have been considered but are ineffective to overcome the Schick et al. reference.

65. The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Schick et al. reference. Many facets of the claimed invention are not provided for in the evidence supplied. For instance, the two separate web interfaces are not shown, the ability to provide location data is not shown, the processing comprises comparing

one numerical parameter with at least one numerical parameter generated at an earlier point, etc.

66. Please take note, the inventor declarations would not be considered sufficient since all inventors have not signed. Declarations by fewer than all of the inventors are only proper when it has been shown that less than all the named inventors of an application invent the subject matter of the claims or claims under rejections or when a petition under 37 CFR 1.183 requesting waiver of an unavailable inventor is submitted (See MPEP 715.04).

Response to Arguments

67. Applicant's arguments filed 12-22-2006 have been fully considered but they are not persuasive. The arguments rely on the declarations filed and as noted above the declarations are not sufficient to overcome the Schick et al. reference.

Conclusion

68. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN J. BROADHEAD whose telephone number is (571)272-6957. The examiner can normally be reached on Monday through Thursday or Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Brian J. Broadhead/
Examiner, Art Unit 3664